

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

JOHN LAWKINS,

Plaintiff,

v.

**1:05-CV-00025
(GLS/RFT)**

**EDWARD FEENEY, Kingston
Police Officer; THIERRY CROZIER,
Kingston Police Officer; A. NORTH,
Kingston Police Officer; STEVEN
FELLOWS, Kingston Police Officer;
TIFFANIE DOWNEY, Kingston Police
Officer,**

Defendants.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

John Lawkins
Plaintiff, *Pro Se*
556 B Kenwood Avenue
Delmar, New York 12054

FOR THE DEFENDANTS:

COOK, NETTER LAW FIRM
P.O. Box 3939
85 Main Street
Kingston, New York 12401

MICHAEL T. COOK, ESQ.
ROBERT D. COOK, ESQ.

**Gary L. Sharpe
U.S. District Court**

ORDER

Pending is defendants' motion to dismiss for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). *See Dkt. No. 34.* Rule 41(b) provides that a defendant may move for a dismissal when plaintiff fails to "prosecute or...comply with [the federal] rules or any order of the court." FED. R. CIV. P. 41(b).

On December 1, 2006, this court sent out a text notice deeming this case trial ready. On December 11, defendants submitted a letter to Magistrate Judge Treece, stating that Lawkins had previously contacted their office with the desire to discontinue the lawsuit. *See Dkt. No. 31.* In response, Judge Treece scheduled a telephone conference, but Lawkins never reported as the court ordered. *See Dkt. No. 33.* Accordingly, since Lawkins has failed to prosecute his action, his complaint is dismissed in its entirety and defendants' motion to dismiss is granted.

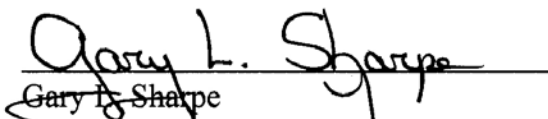
WHEREFORE, for the foregoing reasons, it is hereby

ORDERED that the defendants' motion to dismiss for failure to prosecute (*Dkt. No. 34*) is **GRANTED** and Lawkins' complaint (*Dkt. No. 1*)

is **DISMISSED IN ITS ENTIRETY**; and it is further

ORDERED that the Clerk of the Court provide a copy of this Order to the parties by regular mail.

May 10, 2007
Albany, New York



Gary L. Sharpe
U.S. District Judge